

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY RUSSO, *et al.*,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT, *et al.*,

Defendants.

Case No.: 2:17-cv-00805-GMN-VCF

ORDER

Pending before the Court is the Motion to Dismiss Plaintiff Daniel M. Burgess' claims, (ECF No. 9), filed by Defendants Clark County School District, Edward Goldman, James Ketsaa, and Christopher Klemp (collectively "Defendants"). On September 25, 2017, the Court granted the parties' stipulation to dismiss Burgess' claims with prejudice. (ECF No. 45). In light of this stipulation, the Court denies Defendants' Motion as moot.

Also pending before the Court is Defendants' Motion to Dismiss Plaintiff Anthony Russo's due process claim. (ECF No. 10). After Defendants filed the Motion to Dismiss, Russo properly filed an Amended Complaint. (ECF No. 49). "[A]n amended complaint supersedes the original, the latter being treated thereafter as non-existent." *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Here, Defendants' Motion pertains to the original complaint rather than the operative amended complaint. Accordingly, the Court denies Defendants' Motion as moot.

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1 **I. CONCLUSION**

2 **IT IS HEREBY ORDERED** that Defendants' Motions to Dismiss, (ECF Nos. 9, 10),
3 are **DENIED as moot**.

4 **DATED** this 4 day of January, 2018.

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10 Gloria M. Navarro, Chief Judge
11 UNITED STATES DISTRICT COURT
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